



Sustainable Development in Indonesian Environmental Law; Lessons from Germany's Sustainable Forest Management Practices

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Abstract The work examines the impacts of rampant illegal logging practiced in Riau Province, which has placed the province ahead of other Indonesian provinces as having the highest rate of illegal timber exports. In addition to the problem of illegal logging, the Riau Province is also saddled with forest fires raging in Sumatra. These have been responsible for extensive environmental disaster experienced in this part of Indonesia – such as the destruction of biodiversity and their habitat and the release of atmospheric polluting gases. The illegal logging activities and the forest fires expose the affected region to soil erosion following heavy downpours experienced in the region. In Asia, for example, there are fundamental differences between the fire-related problems in India, China, Korea, Mongolia and Siberia on the one hand, and South-East Asia on the other. Indonesia, Malaysia, Myanmar, Laos, Cambodia, Vietnam and Papua New Guinea are experiencing ever greater problems with uncontrolled forest fire outbreaks. Key connected factors causing fires in land and forest use: First: The opening up and exploitation of forests to serve the wood industry is an important factor in that potentially. Second: The arrival of the wood industry is followed by new settlers who use fire to clear the land for cultivation; however, these settlers often lack a traditional relationship with the forests and thus have no interest in preserving it. Third: Apart from this exploitation of the forests, another important factor is the large-scale transformation from natural forest to woods for industry and oil palm plantations. This is highly profitable and was until recently even subsidized by the state. The instrument of choice for doing this, although officially forbidden, is fire.

Keywords sustainable development, environmental law, illegal logging, fire forest

INTRODUCTION

Indonesia's current forest transformation programmed is unrealistic without clearing by fire. This leads to conflicts with the local population over land uses, which in turn are fought out with fire. Both large and small-scale land speculation and the use of fire for other purposes in the forest (e.g. illegal felling and hunting), together with carelessness and a lack of awareness of the problems complete the complex picture of a network of causes in each case.

The work examines the impacts of rampant illegal logging practiced in Riau Province, which has placed the province ahead of other Indonesian provinces as having the highest rate of illegal timber exports. In addition to the problem of illegal logging, the Riau Province is also saddled with forest fires raging in Sumatra. These have been responsible for extensive environmental disaster experienced in this part of Indonesia – such as the destruction of biodiversity and their habitat and the release of atmospheric polluting gases. The illegal logging activities and the forest fires expose the affected region to soil erosion following heavy downpours experienced in the region (Wahyuni, 2006).

All of these problems above happen in Indonesia as one of the developing countries, and Riau Province is one of from the 33 Provinces in Indonesia, that have a wide resources but it have the big problems to manage their environmental resources. For example, every year, Riau Province

meets the flood and the fire of forest. That's why, the people and the government of Riau Province ask about the sustainable development to solve the problem above.

The genesis of the concept of sustainable development is commonly reported to the 1987 Brundtland Report, which contains the well-known definition of "sustainable development" as: development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Brundtland Report, 1987).

In an era of increasing economic globalization, the traditional environmental and social challenges seem to have gained a new dimension which must be taken into account. However, pursuant to the Johannesburg Declaration, "the rapid integration of markets, mobility of capital and significant increase in investment flows around the world has opened new challenges and opportunities for the pursuit of sustainable development (Massimiliano Montini, 2008)."

The basic and traditional definition of the principle of sustainable development was partially reviewed and updated at the Johannesburg Conference. In fact, the Johannesburg Political Declaration underlines that the principle of sustainable development is based on three: interdependent and mutually reinforcing pillars, namely 'economic development, social development and environmental protection', which must be collectively promoted and advanced at local, national, regional and global levels.

The Federal Republic of Germany is located in Central Europe, bordering Poland and the Czech Republic to the east, Switzerland and Austria to the south, the Netherlands, Belgium, Luxembourg and France to the west, Denmark, the North Sea and the Baltic Sea to the north. With its high population density and its environmentally detrimental heavy industry.

With its high population density and its environmentally detrimental heavy industry, Germany is a country with a long tradition in air and water pollution control. Driven by a strong environmental movement, the country was among the international front-runners in a number of areas such as regulating emissions from large combustion plants (e.g. coal power stations) or introducing car emission standards, later on also in the fields of climate protection and waste management. At the beginning of the 1970s, Germany was already an early pioneer in strategic environmental planning. At that time, a number of innovative institutional arrangements and mechanisms for setting long-term environmental objectives as well as concrete action goals (1971 Environmental Program) and for integrating environmental considerations into the decision making of other sectors (notably a "Green Cabinet") were introduced. However, in spite of these early achievements and an altogether relatively successful environmental policy at present Germany seems to lag behind more pro-active European governments in its efforts to implement the more recent concept of sustainable development. The fact that Germany will be one of the last OECD countries to introduce a national strategy for sustainable development illustrates this point. Similarly, at the international level, Germany has been active in promoting concrete environmental initiatives, for example in the field of climate policy, rather than with regard to general issues of sustainable development (Jänicke & Jörgens (eds.) 2000).

In terms of sustainable development, Germany's high degree of industrialization and its central location in Europe are factors generating high traffic volumes, which have increased considerably due to the German reunification, the economic opening of Eastern Europe and the creation of an internal European market.

METHODOLOGY

This workpaper is the first of its kind to address the similarities and differences in the role of the concept of sustainable development and its central role in environmental regulation in the framework of forest fire management policies of Germany and Indonesia. It will help fill in the information gap of how Germany's experience can be adapted to developing country contexts. By doing this, it will contribute to improve developing countries' capacity to deal with the global issue of forest fires and forestry management. In addition, it concerned a correspondence with the people who live in the region that forest fire happened. These information and documents were very valuable things. Methodically this study was so put on the fact that the qualitative and quantitative

Information, which from official side over forest fire, with which particularly by interviews. In particular still the many thematic analyses could be mentioned, on the regional, national and local levels are accomplished and by Correspondent completed. The moreover one a number of institutions became visits in the context of this study, in which discussions and discussions with specialists took place.

RESULTS AND DISCUSSION

In the developing countries, most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development.

The natural growth of population continuously presents problems for the preservation of the environment, and adequate policies and measures should be adopted, as appropriate, to face these problems. Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology, the capability of man to improve the environment increases with each passing day.

The United Nations Conference on the Human Environment, having met at Stockholm from 5 to 16 June 1972, having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment.

In Germany, the rise of the concept of sustainable development challenges traditional policy making in a number of ways. Access to information and public participation are essential building blocks for sustainable development, preparing citizens to become informed decision makers, offering a basis for stimulating creative solutions to environmental, social and developmental problems, and providing a foundation for building consensus on critical priorities. Transparency and public participation are the basis for elaborating and working towards more sustainable. Transparency and public participation form the basis for an informed discussion as to how to address challenges relating to the intersection between economic developments on the one hand and social aspects and environmental protection on the other.

Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.

Governments and institutions governed by transparency, openness, accountability and community participation are more capable of reconciling the needs of present and future generations, of balancing private and public interests, and harmonizing economic development with social and environmental needs. Thus, improved access to information and participation in decision-making will more likely lead to overall sustainable development.

Not only have access to information and participation been recognized as essential to achieving the goal of sustainable development, they have increasingly been recognized as human rights. All of these developments relate to a more general trend towards promoting "good governance". All attempts to define the notion of good governance include the elements of transparency, participation, and accountability.

Changes in the political decision-making process and the institutional framework required by this concept relate to three main issues: the coherent integration of policies in the environmental,

social and economic spheres; the wide-ranging participation of civil society in decision making; and a long-term view of problems and resulting strategies.

Numerous international documents have affirmed the importance of transparency and public participation, and the need to institutionalize these elements in the move towards sustainable development. Much of the progress towards increased transparency and public participation so far has been made at the domestic levels. However, in an increasingly inter-connected world, some decision-making is shifting from the national to the international level, and to institutions and processes that largely remain secretive and inaccessible to the public.

Environmental policy in general has also at a relatively early stage been connected to social and economic aspects such as employment, technology and competitiveness. Here, a link can be found between German environmental policy and the broader international debate on sustainable development. This could be the entry point to a broader definition of sustainable development. An important driving force of environmental policy integration can be seen in the Social Democrat/“Green” government coalition with its programme of ecological modernization, which is an innovation-oriented concept aimed at integrating environmental considerations into a wide range of different policies.

Important steps have been taken in the development and operationalization of environmental indicators. Since 1989, the Federal Statistical Office has been developing an Environmental Economic Account, which integrates into the economic data environmental burdens such as emissions, utilization of materials and energy and pressures on soils. In 1990, the Federal Ministry for the Environment appointed a scientific advisory council to work on refining the Environmental Economic Account. In its 1998 draft program “Sustainable Development in Germany”, the Ministry for the Environment proposed the introduction of an Environmental Barometer. Its aim is to create an environmental equivalent to the already-existing aggregate indicators in the economic and social sphere, such as gross national product, unemployment rate or rate of inflation. The environmental indicators included in the Environmental Barometer are intended to cover the most important issues of environmental protection and align them with key environmental medium- and long-term targets. Six indicators have been formulated for the fields of climate, air, soil, water, and use of energy and raw materials. Environmental developments can be described and the success or failure of environmental policy can be measured by means of a small set of widely known and easy-to-understand indicators.

Germany has a complex network of organized interest groups in the environment sector. Between 5 and 7 per cent of the population are organized in environmental NGOs. The number of environmental groups is estimated at a total of 400. Environmental organizations have been a strong driving force, both for environmental policy integration and a German strategy for sustainable development. The BUND, the German section of Friends of the Earth (230,000 members), together with the umbrella organization The German Nature Conservation Council (5.2 million members) supported the idea of a German Environmental Policy Plan in the 1998 election campaign.

In Germany, early Local Agenda 21 processes originated by and large from non-governmental players such as environmental and development organizations, church and youth groups, and to a lesser degree from local politics. Rather seldom were they initiated by business associations. Among the main measures outlined in the coalition agreement are the elaborations of a national sustainable development strategy, as well as institutional innovations to promote and organize the drafting of this strategy. In July 2000, the National Council for Sustainable Development was created by Cabinet decision. It is designed as an independent and pluralistic advisory body on sustainability issues and will be composed of 17 individual members representing all major societal groups and actors (e.g. industry, trade unions, NGOs, science) which – after some delay – were appointed in February 2001. Among its tasks are the promotion of societal debate on sustainable development at the national and international levels (stakeholder dialogue) and the development of concrete projects for implementing a national sustainability strategy. The federal government may assign further tasks to the Council and ask for statements on specific issues.

CONCLUSION

The following lessons can be drawn from the German case study on governance for sustainable development:

1. Communicate the results to the general public as well as to relevant interest organizations to raise the necessary awareness.
2. The sustainable development strategy should be an extension and step-by-step enlargement of the environmental strategy, rather than replacing it, towards a broader understanding of sustainable development.
3. As shown above, the key elements of this climate-protection strategy are: high-level political commitment for the formulation and implementation of ambitious goals; integration of environmental policy objectives into other sectors; voluntary agreements; pioneer activities of local communities; and broad public participation.
4. Non-environmental policy sectors should be mandated to develop their own sectoral strategies. The leading role of Cabinet – or the “Green Cabinet” – should be clear and accepted by all ministries. This should include a critical evaluation of both the formulation of sectoral strategies and their implementation. The Federal Environment Agency and the Ministry for the Environment should play an important, mainly supportive, role in this process (so far these institutions have been rather cautious and have adopted a policy of “wait-and-see”).
5. At the local level, general orientation for Agenda 21 processes, for example in the form of a competitive investment program for local sustainable development initiatives (as practiced in Sweden), should be provided.

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